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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,114	03/14/2001	Kenji Yamanishi	Q63084	1503

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SUGHRUE, MION, ZINN, MACPEAK & SEAS  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037

EXAMINER
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HIRL, JOSEPH P

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/805,114

Applicant(s)

YAMANISHI ET AL.

Examiner

Joseph P. Hirl

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 13 is/are rejected.
- 7) ☒ Claim(s) 7-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This Office Action is in response to an AMENDMENT entered May 5, 2004 for the patent application 09/805,114 filed on March 14, 2001.
2. All prior office actions related to this application are fully incorporated into this office action by reference.

### ***Status of Claims***

3. Claims 1-13 are pending.

### ***Claim Objections***

4. Claims 7-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2121

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-6 and 13 rejected under 35 U.S.C. 102(e) as being anticipated by Johnson et al (U.S. Patent 6,212,532, referred to as **Johnson**).

#### **Claim 1**

Johnson anticipates means for inputting a questionnaire statement including free reply description in natural language (**Johnson**, abstract: Examiner's Note (EN): questionnaire statement is synonymous with raw data in a natural language configuration); a network for transmitting a questionnaire reply statement (**Johnson**, c1, l 53-57; EN: E-mail and facsimile require networks to function), a database for accumulating said questionnaire reply statements transmitted through said network (**Johnson**, c 1, l 6-9; EN: computers have memory, data storage and consequently databases); and a text classification engine for reading out said questionnaire reply statements from said database and for learning a rule for classifying said questionnaire reply statement (**Johnson**, c 4, l 5-13 ).

#### **Claim 2**

Johnson anticipates means for inputting a questionnaire statement including free reply description in natural language (**Johnson**, abstract: EN: questionnaire statement is synonymous with raw data in a natural language configuration); a database for

Art Unit: 2121

accumulating said questionnaire reply statement (**Johnson**, c 1, l 6-9; EN: computers have memory, data storage and consequently databases); and a text classification engine for reading out said questionnaire reply statement from said database and for learning a rule for classifying said questionnaire reply statement (**Johnson**, c 4, l 5-13).

**Claim 3**

Johnson anticipates means for inputting a questionnaire statement including free reply description in natural language (**Johnson**, abstract: EN: questionnaire statement is synonymous with raw data in a natural language configuration); a network for transmitting said questionnaire reply statement (**Johnson**, Fig. 1); a database for accumulating said questionnaire reply statement transmitted through said network (**Johnson**, c1, l 53-57; EN: E-mail and facsimile require networks to function); a text classification engine for reading out said questionnaire reply statement from said database and for learning a rule for classifying said questionnaire reply statement (**Johnson**, c 4, l 5-13); and means for distributing said rule through said network according to a request from a claimant (**Johnson**, c1, l 53-57)

**Claims 4, 5, 6**

Johnson anticipates morpheme analysis means for analyzing morphemes in all sentences in said questionnaire reply statement accumulated in said database (**Johnson**, c 3, l 49-59; EN: tokens and morphemes are synonymous); category-text designating means for designating said category and text (**Johnson**, c 3, l 8-22); attribute selecting means for selecting attributes in plural questionnaire reply statements being read out from said database (**Johnson**, c 3, l 8-22; c 4, l 39-51); rule learning

means for learning said rule for expressing said correspondence of text and category on the basis of said words selected by attributes by said attribute selecting means (**Johnson**, c 4, l 5-29); and rule output means for issuing said rule learned by said rule learning means (**Johnson**, c 4, l 5-19; c 1, l 53-57).

### **Claim 13**

Johnson anticipates a morpheme analysis procedure for analyzing morphemes in all sentences in said questionnaire reply statements accumulated in a database (**Johnson**, c 3, l 49-59; EN: tokens and morphemes are synonymous); a category-text designating procedure for designating said category and text in said text classification engine (**Johnson**, c 3, l 8-22; c 4, l 5-19); an attribute selecting procedure for selecting attributes in plural questionnaire reply statements being read out from said database (**Johnson**, c 3, l 8-22; c 4, l 39-51); a rule learning means for learning said rule for expressing said correspondence of text and category on said basis of said words selected by attributes by said attribute selecting procedure (**Johnson**, c 4, l 5-29); and a rule output procedure for issuing said rule learned by said rule learning procedure (**Johnson**, c 4, l 5-19; c 1, l 53-57).

### ***Response to Arguments***

7. Applicant's arguments filed on May 5, 2004 related to Claims 1-13 have been fully considered and because the cited art of Segawa did elect the US but did not publish in English, the PCT/JP99/02956 filing date of June 2, 1999 is not available. The

Art Unit: 2121

earliest date for the Segawa art would be under 35 U.S.C. 102(a) and would correspond to the PCT publication date by WO on December 14, 2000. In reference to the applicants foreign priority date of March 15, 2000, the Examiner hereby withdraws the Segawa art for prior art consideration in this case.

### ***Conclusion***

8. Claims 7-12 are objected to. Claims 1-6 and 13 are rejected.
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Richards et al, U.S. Patent 6,507,829

Fratkina et al, U.S. Pub 2001/0049688

Shwe et al, U.S. Patent 6,560,590

Johnson et al, U.S. Patent 6,477,551

### ***Correspondence Information***

Any inquiry concerning this information or related to the subject disclosure should be directed to the Examiner, Joseph P. Hirl, whose telephone number is (703) 305-1668. The Examiner can be reached on Monday – Thursday from 6:00 a.m. to 4:30 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Anthony Knight can be reached at (703) 308-3179.

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,  
Washington, D. C. 20231;

or faxed to:

(703) 746-7239 (for formal communications intended for entry);

or faxed to:

(703) 746-7290 (for informal or draft communications with notation of "Proposed" or "Draft" for the desk of the Examiner).



Joseph R. Hirl

June 3, 2004